

REMARKS

Claims 1-8 and 10-21 are pending. No new matter has been added by way of the present amendment. For instance, claim 8 has been amended to include textual subject matter taken from originally filed claim 9. Additionally, claim 9 has been canceled and the dependency of several depend claims has been altered. Thus, no new matter has been added.

In the outstanding Office Action the Examiner has asserted that the application contains groups of inventions that are not so linked as to form a single general inventive concept pursuant to the PCT Rule 13.1. In particular, the Examiner has required Applicants to elect one of the following two groups:

Group I, claims 1-7, drawn to a graft copolymer latex; and

Group II, claims 8-21, drawn to a method of manufacturing a dry powder from a graft polymer latex.

Applicants respectfully traverse.

The Examiner has asserted that the inventions listed as Group I and II do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2 they lack the same or corresponding special technical feature. As support for this the Examiner asserts that claim 8, at least, is anticipated by or obvious over U.S. Patent No. 5,455,315. Applicants respectfully disagree with the Examiner.

Claim 8 has been amended herein to recite the specific seed polymer, core polymer and graft shell polymer requirements of originally filed claim 9. Thus, all claims recite specific seed polymer, core polymer and graft shell polymer limitations. For instance, see claims 1 and 8.

Consequently, all claims share this technical feature which provides a contribution over the prior art. Accordingly, Unity of Invention is appropriate and the Examiner's restriction is traversed.

However, in order to be fully responsive, Applicants hereby elect Group II, directed to claims 8-21. This is an election with traverse as noted above.

In view of the above, favorable action on the merits is respectfully solicited.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 8, 2007

Respectfully submitted,

By 

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